

Statement of Government Policy and Directions to the Secretary for Business, Innovation and Employment

To: Te Tumu Whakarae mō Hikina Whakatutuki – Secretary for Business, Innovation and Employment and Chief Executive, Ministry of Business, Innovation and Employment.

Pursuant to section 112 of the Radiocommunications Act 1989 (“Act”), I hereby give you notice of the general policy of the Government, in relation to your functions, duties and powers under section 111 of the Act and the Radiocommunications Regulations 2001 (“Regulations”) and in pursuing the general policy of the Government I direct you accordingly.

General Policy

The Government's radiocommunications policy objectives are that:

- a. there should be competition in the provision of all communication services;
- b. in the granting of radio licences, consideration should be given to permitting a range of uses and users;
- c. licensing of New Zealand originated short wave radio broadcasting, in frequency bands below 30 MHz allocated to broadcasting under Article 5 of the ITU International Radio Regulations, should be consistent with the foreign policy of the Government of New Zealand;
- d. adequate provision should be made:
 - i. for the licensing of services operated by or for Government departments and Crown agencies, where the primary objective of such services is the protection of life and property. Such provisions should be made in common frequency bands where practicable; and
 - ii. pursuant to Regulation 9 of the Regulations and in common frequency bands where practicable, for the licensing of classes of low-powered radio transmitters;
- e. licence fees should be reviewed at least every five years; and
- f. when planning spectrum bands, the International Radio Regulations should be taken into account.

Directions

Pursuant to the Government's radiocommunications policy objectives, I direct you as follows:

1. Seek approval from the Minister for the Digital Economy and Communications before transitioning spectrum from the radio licensing regime to the management rights regime, and/or allocating new management rights where no previous direction has been given by Cabinet or the Minister;
2. Seek advice from the Ministry for Culture and Heritage in relation to non-commercial broadcasting policy and issuing of licences for this purpose;
3. Seek advice from Te Puni Kokiri in relation to issuing iwi broadcasting licenses and other spectrum reservations for Māori;
4. Seek advice from the New Zealand Defence Force in relation to the use of radio spectrum for national defence;
5. Seek advice from the New Zealand Security Intelligence Service and the Government Communications Security Bureau in relation to issuing licences for satellite ground stations;
6. Publish clear licensing policy and rules to facilitate the efficient and effective use of radio spectrum;
7. Where bands are subject to international planning processes for the introduction of new technologies and services, radio licences granted pursuant to Regulation 8 of the Regulations should be limited to:
 - a. facilitating the transition of existing licensed services to alternative frequencies; and
 - b. demonstrating, subject to protecting existing licensed services, the operation of new technologies;
8. Technology developments and international harmonisation decisions will affect the Government's decisions on the long term use of the frequencies listed in clause 9. Until the Government makes a final decision on the long-term use of a frequency range listed in clause 9, new radio licences will not be granted for services in that frequency range except where the granting of radio licences is necessary for the purpose of:
 - a. maintaining the coverage of services provided by existing licensees;
 - b. facilitating, by means of short-term licences, the transition of existing licensed services to alternative frequencies;

NEW ZEALAND GAZETTE

- c. demonstrating, by means of short-term licences and subject to the protection of existing licensed services, the operation of new technologies; or
 - d. facilitating, by means of short-term licences and subject to existing licensed services, the use of this spectrum for specific short term events;
9. The frequencies for the purposes of clause 8 are:
- a. 184 MHz - 210 MHz;
 - b. 1427 MHz - 1525 MHz;
 - c. 1730 MHz - 1740 MHz;
 - d. 1825 MHz - 1835 MHz;
 - e. 2370 MHz - 2395 MHz; and
 - f. 5875 MHz - 5925 MHz;
10. You must comply with the directions set out above in relation to all applications for radio licences, including applications made before the date of this notice but not dealt with before that date.

All previous statements of Government policy made pursuant to section 112 of the Act are revoked.

Dated at Wellington this 19th day of October 2021.

HON DR DAVID CLARK, Minister for the Digital Economy and Communications.

2021-go5026

22-11-2021 16:26
